

# **EXHIBIT 5**

**Email exchange between  
Skillz Inc. and Plaintiff John  
Prignano on January 14, 2020**

**EXHIBIT 5**

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**From:** John Prignano [REDACTED]  
**Sent:** Tuesday, January 14, 2020 1:13 AM  
**To:** Alistair McLachlan  
**Cc:** Sarabthapar@gmail.com  
**Subject:** Re: Skillz Terms of Service violation follow up

Yes - I agree to the Terms of service to the site as I have since day one or any time I was told by the company to do so.

Again this goes back to no one has been more verified than me in this process. Even my Instagram has the videos of me playing in front of your armed security guard. And that entire thing was documented.

What you have now is a bunch of new players who are playing way above their heads, have no consistency and or skill level and are really in for a rude awakening on the site. The Leaderboard this day last year was completely different than it is now.

This is not the only game that I am really good at, in madden 2020 within only two weeks I've been able to get to the top 17% of players. Prior to going on vacation, I don't do things unless I'm good at it.

As I said I've been playing this since 10 years old when this game first ever came out. And now that I play about 7 to 9 hours a day every single day they are literally amateurs going against a professional. For lack of a better word they half ass it where I refuse to.

I am more than familiar like I said with peoples allegations, and we have talked about standard deviation's since the minute I've spoke on the phone with you guys.

It's quite simple 61 to 62% winning percentage using your bonus cash system correctly you'll do \$30-\$50,000 a month profit if you play the equivalent of 9000 \$300 games. Now with 600 games this does not take as much time as it did in the past.

Emails and texts with people who I am who I offering to help I only offer consistent methods within TOS to profit. Your other top players have been trained By me and it shows their results versus everyone else's.

Most players try to keep a count in their heads on one or two sets of cards, while I am able to usually keep a genuinely good idea on 4 to 6. You can look at all of my replays they basically try to manage the eights and nines because those are the only cards that I find that can consistently Jam Boards up. hence combinations of 885-993 are usually your biggest friends in game. I also look at the board to see the cards that are already laid out and just play the probabilities. The game is just Math it's pretty simple.

That's why I said I have no problem training anyone but it is impossible to pick up on EVERY single card unless you're some kind of super computer or flat out getting assistance - which I have said I do not and cannot possibly complete every board perfectly. This is why when I saw other players who are you banned for cheating (they were finishing at over 95 percent effective rates) where as I'm around 75% at effectively finishing games.

However with volume usually comes an acceptable winning percentage.

What else more am I supposed to do other than play the game at the level in which I've been playing it I've done it in New Jersey and I've done it now in Texas. I've even upped the volume (money played daily) since I've been in Texas because I literally have no one in the state that I know and stay home other than my work schedule that I have the discretion of planning.

Since you guys got rid of the bonus cash it doesn't make sense to go for another Porsche and it is necessary to always play with some bonus cash being pending you could see my new system of getting to 37 million tickets cashing out \$1000 worth of Amazon gift cards and retaining at least \$1500 worth of redeemable bonus cash if need be. (16 million tickets).

As I said earlier you have a bunch of amateurs and people who do not take this seriously competing against someone who whenever he loses a game post two games in order to try to get the percentage to be two out of three wins.

Check my IP address of when/where I play and note when I play. You can also note that most of my games are played and posted at night so people have to enter my games which I know there is a lot of psychological effects.

You can also note that most of my games are played and posted at night so people have to enter my games they start and tend to do things that they wouldn't typically do, an intimidation factor so to speak. I also try to load up on games prior to tournaments conclusion to get a great head start going into the next tournament, because I've noticed once people get their tournament winnings they splurge the first day and then everything dies down.

Everyone who I showed your emails to have agreed - Your company was going to pull this and this is why everything has been at such a snail like pace. Voiding my money based upon third-party allegations would in turn mean that you would void everyones check who was ever reported. So to do that offers again no consistency out of your company. There is also been no reason for these delays other than an attempt to besmirch what I have done. Kudos.

The only reason I don't cash out my money as quick as I do is because of the tax implications and again you guys hurt me tax wise by delaying this check and now further delaying it kind of is what it is. Like I said this is of no consequence to you.

So upon the conclusion of this "investigation" when everything settles I would like Andrew to call me and I would like an apology from your company in writing for any inconvenience or distress this caused me.

You have also offered me no explanation as a company of the player with a high score of 999,999, The status of my refund on people you have banned specifically for cheating, or recourse for your game crashing on games where I have been ahead and would have subsequently won.

<https://replay.skillz.com/view/1368264857/2784150325/2783546691>

Here's a replay at 3:00 am my time real time as we speak. Funny enough I have given magnum more tips and training Than anyone on the site. I welcome my pupils to play me.

You have my strategy all compliant do with it what you will. But I want my apology and reparations in full once it concludes.

John Prignano

On Jan 13, 2020, at 9:24 PM, Alistair McLachlan wrote:

Hey John, thanks for meeting with us last week. As outlined in our phone call, Skillz has determined that you have violated our Terms of Service by intentionally aborting matches within Blitz 21.

In order for us to move forward, we need you to reply to this email agreeing to abide by our Terms of Service as outlined [here](#). Failure to do so could lead to further action, up to and including a system wide ban for your account and a forfeiture of winnings.

Separately, since our call, we have received written allegations from a third party that you may have engaged in actions apart from the intentional game abortions constituting a violation of Skillz Terms of Service. Unfortunately we are unable to release your withdrawal or deliver the Porsche redemption until our internal team has investigated these allegations and determined your past and current compliance with our Terms of Service. Due to this investigation, the withdrawal check currently in the mail has been cancelled and any deposit of it will not be processed.

We will update you on our investigation as soon as possible.

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**Alistair McLachlan**

Director of Customer Advocacy

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